

Translation

PATENT COOPERATION TREATY

PCT/ES2003/000536



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 41865-MR	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ES2003/000536	International filing date (day/month/year) 22 October 2003 (22.10.2003)	Priority date (day/month/year) 22 October 2002 (22.10.2002)
International Patent Classification (IPC) or national classification and IPC A63H 18/12		
Applicant WINKLER INTERNATIONAL, SA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 19 May 2004 (19.05.2004)	Date of completion of this report 02 December 2004 (02.12.2004)
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 3,5,7, as originally filed
 pages _____, filed with the demand
 pages 1,2,2a,4,6,8, filed with the letter of 29 November 2004 (29.11.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 9,10,11,12, filed with the letter of 29 November 2004 (29.11.2004)
- ☒ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Documents taken into consideration

Document	Publication or identification no.	Publication date
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D01	DE 878316 C	01.06.1953
D02	DE 876976 C	18.05.1953
D03	US 2068403 A	19.01.1937

Claim 1 of the present PCT application relates to a current-pick up system for a set of vehicles moving along a track (6) provided with grooves (2) in which guide fins (5) projecting from the lower part of the vehicles are inserted and displaced. Disposed on the sides of the grooves (2) are electroconductive paths (1) through which an electric current passes. By means of blades (3) forming part of the side faces of the guide fins (5), the current supplies an electric motor that drives the toy vehicle.

D01 is considered the prior art document technically closest to the subject matter of the present PCT application. D01 (page 2, lines 36 to 42, and figures 1 to 4) shows a toy vehicle 1 travelling around a track 2 and guided by a slide mechanism inserted in a groove of which the side walls are covered by two conductive rails 3 and 4 on which rest two current collectors 6 and 5,

respectively, projecting from the rear part of the slide mechanism.

This structure differs from that described in claim 1 of the present application only in that the current-collector elements do not form part of the guide mechanism, although they are mechanically connected thereto. **Therefore the system according to claim 1 is novel.**

Furthermore, the present system is mechanically stronger and simpler than that described in D01, although it requires an additional element to ensure optimum electrical contact between the conductive paths and the current-collector elements.

It does not appear obvious for a person skilled in the art, proceeding from the prior art described in D01 and seeking a way of simplifying and/or strengthening the system in question, to arrive at the result as per claim 1, since a structure such as this, without any further elements, does not appear suitable for ensuring adequate contact pressure over the entire path of the vehicle along the track. This observation would be expected to prompt an expert to seek other solutions which do not entail the aforementioned disadvantage.

Therefore the subject matter of claim 1 involves an inventive step with respect to the prior art described in document D01.

D02 presents a structure similar to the one in claim 1, with a guide wedge 1, conductive track plates 5 on the sides of the guide groove and resilient blades 3 at the sides of the wedge which are dynamically connected to the plates by means of shoes 4. However, in this case, the

conductive track plates 5 also extend over the running track, preventing the realistic effect which is attained by the claimed invention (see page 3, lines 1 to 4, of the present application). Moreover, the blades 3 are connected to the guide wedge 1 but do not form part thereof.

Following the same arguments as those used with respect to document D01 as concerns the modification to the current-collector elements, it can be concluded that **the invention according to claim 1 is novel and involves an inventive step with respect to the prior art described in D02.**

The structure described in D03 contains all the features of claim 1, except that in this case a wheel is used in place of a fin and the electroconductive paths do not pass through the inner part of side faces of the groove; instead, the outermost part of the groove has a chamfered widened portion on which conductive strips f are arranged for contacting collector hubs h' that cover a guide wheel h when the latter passes through the groove. The obvious way for a person skilled in the art of toy vehicles to simplify this structure does not appear to be to modify it in such a way that a system of the type to which claim 1 relates is obtained. Consequently **the subject matter of claim 1 is novel and involves an inventive step with respect to the prior art described in D03.**

Finally, it should be noted that, although a suitable combination of the system described in D03 with either of documents D01 and D02 would deprive the subject matter of claim 1 of novelty, there is nothing that would obviously prompt a person skilled in the art of toy vehicles to undertake such a combination, such that a combination of this type would also involve inventive effort.

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Claims 2 to 14 are dependent claims, providing the system described in claim 1 with additional features. Therefore the subject matter of claims 2 to 14 is also considered novel and inventive.

Any of the inventions in claims 1 to 14 can be used in the toy-manufacturing industry.